IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1961 OF 2005
IN
WRIT PETITION NO. 7689 OF 2004

Shri. Abhijit Baban Khawate ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. S.A. Sawant i/by H.V. Kode for Applicant.

Mr. C.R. Sonawane, A.G.P. for R. Nos. 1 and 2.

Mr. G.M. Savagawe with Mr. J.S. Chandnani for R. Nos. 3 and 4.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 03, 2006

P.C.

. The Petition was disposed of by order dated 20.9.2004. The Petitioner therein was allowed to be continued in the Respondent No.4's school for the academic year 2004-05 untill the scheduled tribe candidate was appointed to the post of special teacher.

. It was the case of the Petitioner that the post was advertised and no candidate was available. In the light of that, the petitioner took out a Civil

Application and by order dated 3.8.2005, the learned Bench of this court directed respondents to continue the applicant in the post of Special teacher untill a person of scheduled tribe is available. The counsel informs us that the original order has been modified by substituting "Nomadic tribe" with "Scheduled tribe".

. Considering the normal rule that the person can be continued till such time, as regular candidate is available and as in the instant case, a regular candidate is not available, we direct respondents to continue Petitioner in the post till candidate belonging to S.T. is appointed. We make it clear that the continuance of the Petitioner will not give him any privilege or right to claim the post. Needless to say that the Petitioner would be entitled to the salary of the post on which he is working.

. With the above observations, Civil Application stands disposed of.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)